

**Amendments To The Drawings:**

The Final Office Action noted that replacement drawing for Fig. 9 was not submitted with the Amendment filed August 12, 2008. Applicants apologize for the mistake and have submitted herewith the replacement drawing for Fig. 9. Applicants request that the replacement drawing be entered and the amendment to the specification made in the Amendment filed August 12, 2008 be considered.

### **Remarks**

This Amendment after Final is in response to the Final Office Action dated **November 14, 2008**. In the Final Office Action, claims 29, 30, 55, 56, 59, 60, 62-64 were rejected under 35 USC 103(a) as being unpatentable over White et al (2001/472000) in view of Khosravi et al (5,824,054).

### **Drawings**

The Final Office Action noted that replacement drawing for Fig. 9 was not submitted with the Amendment filed August 12, 2008. Applicants apologize for the mistake and have submitted herewith the replacement drawing for Fig. 9. Applicants request that the replacement drawing be entered and the amendment to the specification made in the Amendment filed August 12, 2008 be considered.

### **35 USC 103**

In the Final Office Action, claims 29, 30, 55, 56, 59, 60, 62-64 were rejected under 35 USC 103(a) as being unpatentable over White et al (2001/472000) in view of Khosravi et al (5,824,054).

Applicants will discuss independent claims 29, 55, and 59 in separate subsections.

### **Claim 29**

In the Final Office Action, White is asserted to disclose the stent as recited in claim 29 and Khosravi is asserted to show a stent formed of a coiled sheet and a stent with locking elements.

Independent claim 29 recites in part “a plurality of first cells, each first cell being defined by a stretchable element.” The Final Office Action asserted that “Figs. 15A,B show a stent formed of a plurality of stretchable elements defining a plurality of cells.”

For reference, Applicants have provided a copy of a portion of Fig. 15A of White. Fig 15A is described as “a side elevational view of portions of a stent according to *another embodiment* [sic] of the present invention” (White, paragraph [0029], emphasis added).

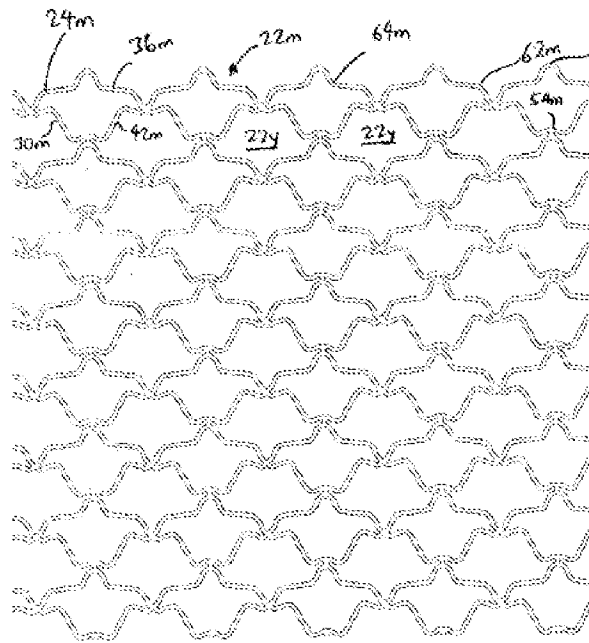


FIG. 15A

Fig. 15A - Asserted in the Final Office Action to show a plurality of stretchable elements defining a plurality of cells

Independent claim 29 also recites in part “each pair of peripherally expandable wing-like elements comprising a first longitudinal element and a second longitudinal element, each longitudinal element being curvilinear and having three turns between a first end and a second end of the longitudinal element.” The Final Office Action further asserted that “White also shows (Fig. 10) the stents can have cells such that they have longitudinal elements that are curvilinear and have three turns between ends.”

For reference, Applicants have provided a copy a portion of Fig. 10 of White. Fig. 10 is described as “an enlarged side elevation view of a cell of portion of a stent according to *another embodiment* of the present invention” (White, paragraph [0027], emphasis added).

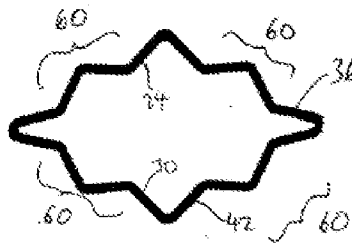


Fig. 10

FIG. 10 - Asserted in the Final Office Action to show longitudinal elements that are curvilinear and have three turns between ends

As indicated by the Brief Description of the Drawings, Figs. 10 and 15A are different embodiments. White does not have a figure showing a stent comprising a plurality of cells as shown in Fig. 10. White also does not provide a figure showing an embodiment where the structure shown in Fig. 15A has three turns as recited in independent claim 29. Additionally, White does not provide a written description of a stent having the pattern asserted in the Final Office Action. Without a figure or written description of the stent pattern asserted in the Office Action, Applicants submit that some assertions cannot be supported by White. For example, Applicants submit that White does not support the assertion that White teaches or suggests a plurality of first cells having a first area and a plurality of second cells having a second area with the second area being greater than the first area when the stent is in the unstretched condition, as recited in claim 29.

The Final Office Action further asserted that White shows cells in a stent pattern with different areas or size in adjacent sections, see Figs. 6A,7,8,9, and 15B. Applicants submit that Figs. 6A,7,8,9 and 15 do not show “a plurality of first cells, each first cell being defined by a stretchable element ... wherein each stretchable element comprises a pair of peripherally expandable wing-like elements ... each pair of peripherally expandable wing-like elements comprising a first longitudinal element and a second longitudinal element, each longitudinal element being curvilinear and having three turns between a first end and a second end of the longitudinal element” as recited in claim 29. Therefore, Applicants submit that assertions of

relative cell sizes based on stent embodiments that do not teach each and every element of claim 29 are irrelevant. As discussed above, the stent pattern asserted in the Office Action is not shown or discussed in White and therefore, Applicants submit that no assertions about relative cell sizes can be made about a theoretical stent.

The addition of Khosravi, which is asserted to show a sheet stent having a plurality of locking elements capable of being engaged in openings in the stent when coiling the stent, does nothing to address the failure of White to teach each and every element of claim 29. Therefore, the combination of White and Khosravi does not render the instant claims obvious. For at least this reason, Applicants request withdrawal of the rejection and submit that claims 29, 30, 63, and 64 are in condition for allowance.

Claim 55

In the Final Office Action, White is asserted to disclose the stent as recited in claim 55 and Khosravi is asserted to show a stent formed of a coiled sheet and a stent with locking elements.

Independent claim 55 recites in part “[a] stretchable stent, comprising ... a plurality of stretchable cells ... each stretchable cell defining a first cell ... each stretchable cell being defined by a pair of peripherally expandable wing-like elements.” The Final Office Action asserted that “Figs. 15A,B show a stent formed of a plurality of stretchable elements defining a plurality of cells.”

For reference, Applicants have provided a copy of a portion of Fig. 15A of White. Fig 15A is described as “a side elevational view of portions of a stent according to *another embodiment* [sic] of the present invention” (White, paragraph [0029], emphasis added).

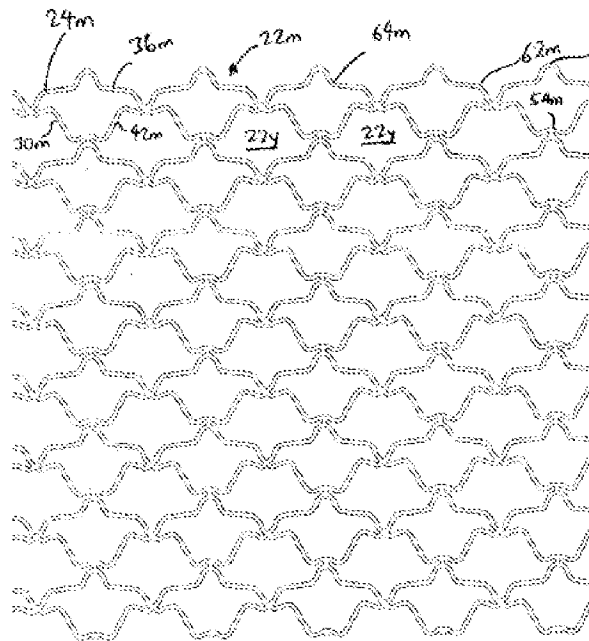


FIG. 15A

Fig. 15A - Asserted in the Final Office Action to show a plurality of stretchable elements defining a plurality of cells

Claim 55 further recites in part “each of said wing-like elements comprising first and second members that are curvilinear and have three turns between a looped end thereof.” The Final Office Action further asserted that “White also shows (Fig. 10) the stents can have cells such that they have longitudinal elements that are curvilinear and have three turns between ends.”

For reference, Applicants have provided a copy a portion of Fig. 10 of White. Fig. 10 is described as “an enlarged side elevation view of a cell of portion of a stent according to *another embodiment* of the present invention” (White, paragraph [0027], emphasis added).

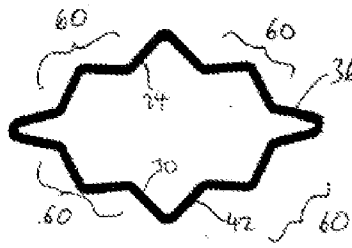


Fig. 10

FIG. 10 - Asserted in the Final Office Action to show longitudinal elements that are curvilinear and have three turns between ends

As indicated by the Brief Description of the Drawings, Figs. 10 and 15A are different embodiments. White does not have a figure showing a stent comprising a plurality of cells as shown in Fig. 10. White also does not provide a figure showing an embodiment where the structure shown in Fig. 15A has three turns as recited in independent claim 55. Additionally, White does not provide a written description of a stent having the pattern asserted in the Final Office Action. Without a figure or written description of the stent pattern asserted in the Office Action, Applicants submit that some assertions cannot be supported by White. For example, Applicants submit that White does not support the assertion that White teaches or suggests a plurality of first cells having a first area and a plurality of second cells having a second area with the second area being greater than the first area when the stent is in the unstretched condition, as recited in claim 55.

The Final Office Action further asserted that White shows cells in a stent pattern with different areas or size in adjacent sections, see Figs. 6A,7,8,9, and 15B. Applicants submit that Figs. 6A,7,8,9 and 15 do not show “a plurality of stretchable cells, each stretchable cell defining a first cell ... each stretchable cell being defined by a pair of peripherally expandable wing-like elements ... each of said wing-like elements comprising first and second members that are curvilinear and have three turns between a looped end thereof” as recited in claim 55. Therefore, Applicants submit that assertions of relative cell sizes based on stent embodiments that do not teach each and every element of claim 55 are irrelevant. As discussed above, the stent

pattern asserted in the Office Action is not shown or discussed in White and therefore, Applicants submit that no assertions about relative cell sizes can be made about a theoretical stent.

The addition of Khosravi, which is asserted to show a sheet stent having a plurality of locking elements capable of being engaged in openings in the stent when coiling the stent, does nothing to address the failure of White to teach each and every element of claim 55. Therefore, the combination of White and Khosravi does not render the instant claims obvious. For at least this reason, Applicants request withdrawal of the rejection and submit that claims 55 and 56 are in condition for allowance.

Claim 59

In the Final Office Action, White is asserted to disclose the stent as recited in claim 59 and Khosravi is asserted to show a stent formed of a coiled sheet and a stent with locking elements.

Independent claim 59 recites in part “[a]n expandable stent ... comprising ... a plurality of stretchable elements ... defining a plurality of first cells.” The Final Office Action asserted that “Figs. 15A,B show a stent formed of a plurality of stretchable elements defining a plurality of cells.”

For reference, Applicants have provided a copy of a portion of Fig. 15A of White. Fig 15A is described as “a side elevational view of portions of a stent according to *another embodiment* [sic] of the present invention” (White, paragraph [0029], emphasis added).



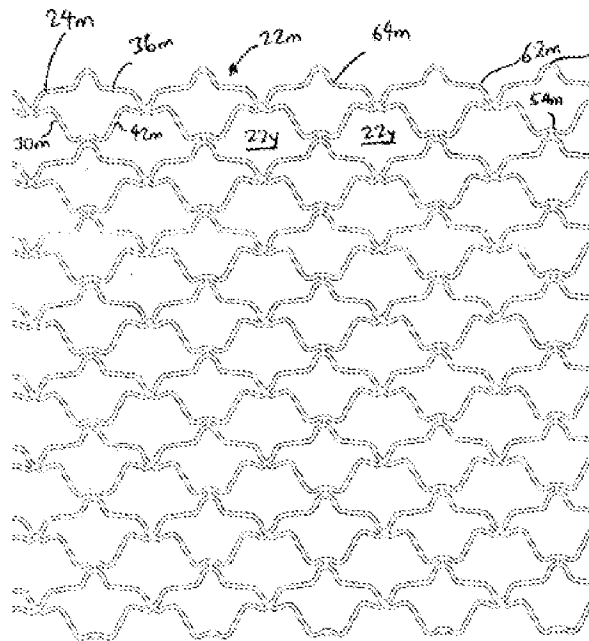


FIG. 15A

2

Fig. 15A - Asserted in the Final Office Action to show a plurality of stretchable elements defining a plurality of cells

Claim 59 also recites in part “each of said wing-like elements comprising first and second members that are curvilinear and have three turns.” The Final Office Action further asserted that “White also shows (Fig. 10) the stents can have cells such that they have longitudinal elements that are curvilinear and have three turns between ends.”

For reference, Applicants have provided a copy a portion of Fig. 10 of White. Fig. 10 is described as “an enlarged side elevation view of a cell of portion of a stent according to *another embodiment* of the present invention” (White, paragraph [0027], emphasis added).

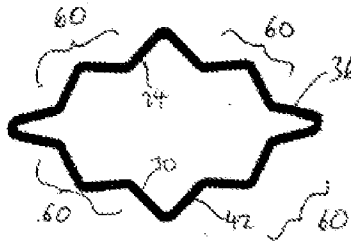


Fig. 10

FIG. 10 - Asserted in the Final Office Action to show longitudinal elements that are curvilinear and have three turns between ends

As indicated by the Brief Description of the Drawings, Figs. 10 and 15A are different embodiments. White does not have a figure showing a stent comprising a plurality of cells as shown in Fig. 10. White also does not provide a figure showing an embodiment where the structure shown in Fig. 15A has three turns as recited in independent claim 29. Additionally, White does not provide a written description of a stent having the pattern asserted in the Final Office Action. Without a figure or written description of the stent pattern asserted in the Office Action, Applicants submit that some assertions cannot be supported by White. For example, Applicants submit that White does not support the assertion that White teaches or suggests a plurality of first cells having a first area and a plurality of second cells having a second area with the second area being greater than the first area when the stent is in the unstretched condition, as recited in claim 59.

The Final Office Action further asserted that White shows cells in a stent pattern with different areas or size in adjacent sections, see Figs. 6A,7,8,9, and 15B. Applicants submit that Figs. 6A,7,8,9 and 15 do not show “a plurality of stretchable elements ... defining a plurality of first cells ... wherein each stretchable element comprises a pair of peripherally expandable wing-like elements ... each of said wing-like elements comprising first and second members that are curvilinear and have three turns” as recited in claim 59. Therefore, Applicants submit that assertions of relative cell sizes based on stent embodiments that do not teach each and every element of claim 59 are irrelevant. As discussed above, the stent pattern asserted in the Office

Action is not shown or discussed in White and therefore, Applicants submit that no assertions about relative cell sizes can be made about a theoretical stent.

The addition of Khosravi, which is asserted to show a sheet stent having a plurality of locking elements capable of being engaged in openings in the stent when coiling the stent, does nothing to address the failure of White to teach each and every element of claim 59. Therefore, the combination of White and Khosravi does not render the instant claims obvious. For at least this reason, Applicants request withdrawal of the rejection and submit that claims 59, 60 and 62 are in condition for allowance.

### **Conclusion**

Based on at least the above, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance of claims 29, 30, 55, 56, 59, 60, 62-64 is requested.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

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